

have added new claims 34-36. Accordingly, claims 1, 2, 4, 6-9 and 34-36 are pending.

Claims 1-2 and 6-7 are rejected under 35 USC 102(e) as being anticipated by Yokogawa et al (US 5,891,252). Claims 4 and 8 are rejected under 35 USC 103(a) as being unpatentable over Yokogawa et al. Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Yokogawa et al in view of Nakano et al (US 6,155,202). Reconsideration of these rejections is requested in view of the Continued Prosecution Application (CPA) Request filed concurrently herewith by Applicants and in view of the amendments to claim 1 and the following remarks.

According to claim 1, as amended, the electromagnetic wave radiation antenna is a microstrip antenna comprising a discoidal electrode that is installed in an atmosphere. A separation plate used as a dielectric is claimed as being between the antenna and the inside of the chamber. This combination results in a uniform plasma being formed even under low voltage. As amended, claim 1 is not shown in Yokogawa et al, and therefore the claim is not anticipated by the reference under 35 U.S.C. §102(e).


Applicants have filed a Continued Prosecution Application (CPA) Request to change the present application to one that has a filing date after November 29, 1999 in order to have the Yokogawa et al reference, which is available under 35 U.S.C.

102(e), be excluded under 35 U.S.C. 103. In this regard, Applicants hereby inform the Examiner that the Yokogawa et al patent and the claimed invention of the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, mainly Hitachi, Ltd. Since Applicants have complied with the modified Patent Office policy concerning evidence of common ownership of the Yokogawa et al reference and the presently claimed invention, the U.S.C. 103(a) rejections should be withdrawn. See 1241 Off. Gaz. Pat. Office 96 (December 26, 2000).

Claims 34-36, which have been added by the present amendment, are not anticipated by the Yokogawa et al reference for the same reasons presented with respect to the rejection of claim 1. Therefore, these claims should be allowed.

In view of the foregoing amendments and remarks, reconsideration and reexamination are respectfully requested.

Respectfully submitted,

  
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**MARKED UP VERSION OF REWRITTEN CLAIMS**

1. (Twice Amended) A dry etching apparatus for treating a body comprising:

a chamber;

a holder in said chamber to receive a body to be treated;

means for introducing gas into said chamber;

means for exhausting said gas in said chamber;

a power supply of Ultra High Frequency;

an electromagnetic wave radiation antenna coupled to said power supply and installed in an atmosphere; and

a separation plate used as dielectric between said antenna and the inside of said chamber, wherein

said antenna is a microstrip antenna comprising a discoidal electrode.